

The Gazette



सत्यमेव जयते

of India

PUBLISHED BY AUTHORITY

No. 20] NEW DELHI, SATURDAY, MAY 18, 1963/VAISAKHA 28, 1885

NOTICE

The undermentioned *Gazette of India Extraordinary* was published upto the 1st May 1963:—

Issue No.	No. and date	Issued by	Subject
62	No. 5-ETC(PN)/63, dated 1st May, 1963.	Ministry of Commerce and Industry.	Export of Seollac, shellac and all other forms of lac and manufactures thereof.
	No. 40-ITC(PN)/63, dated 1st May, 1963.	Do.	Cotton Textiles Export Incentive Scheme—Import of Coal-tar-Dyes and Textile Chemicals etc. under—

Copies of the *Gazette Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

CONTENTS

	PAGES		PAGES
PART I—SECTION 1.—Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court	217	PART II—SECTION 3.—SUB-SECTION (ii).—Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)	1495
PART I—SECTION 2.—Notifications regarding Appointments, Promotions, Leave etc. of Government Officers issued by the Ministries of the Government of India (other than the Ministry of Defence) and the Supreme Court	203	PART II—SECTION 4.—Statutory Rules and Orders notified by the Ministry of Defence	125
PART I—SECTION 3.—Notifications relating to Non-Statutory Rules, Regulations, Orders and Resolutions, issued by the Ministry of Defence	Nil	PART III—SECTION 1.—Notifications issued by the Auditor General, Union Public Service Commission, Railway Administration, High Courts and the Attached and Sub-ordinate Offices of the Government of India (<i>Published at Simla</i>)	485
PART I—SECTION 4.—Notifications regarding Appointments, Promotions, Leave etc. of Officers, issued by the Ministry of Defence	169	PART III—SECTION 2.—Notifications and Notices issued by the Patent Office, Calcutta (<i>Published at Simla</i>)	197
PART II—SECTION 1.—Acts, Ordinances and Regulations	Nil	PART III—SECTION 3.—Notifications issued by or under the authority of Chief Commissioners (<i>Published at Simla</i>)	69
PART II—SECTION 2.—Bills and Reports of Select Committees on Bills	Nil	PART III—SECTION 4.—Miscellaneous Notifications including notifications, orders, advertisements and notices issued by Statutory Bodies (<i>Published at Simla</i>)	153
PART II—SECTION 3.—SUB-SECTION (i).—General Statutory Rules (including orders, bye-laws, etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories)	951	PART IV—Advertisements and Notices by Private individuals and Private bodies (<i>Published at Simla</i>)	59
		SUPPLEMENT NO. 19—	
		Weekly Epidemiological Reports for weeks ending 4th May, 1963	349
		and 11th May, 1963	356
		Births and Deaths from Principal diseases in towns with a population of 30,000 and over in India during week ending 20th April, 1963	362

PART I—Section 1

**Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued
by the Ministries of the Government of India (other than the Ministry of Defence) and by
the Supreme Court**

सामुदायिक विकास और सहकारिता मंत्रालय

(सहकारिता विभाग)

अधिस्चना

नई दिल्ली, 2 मई, 1963

संख्या एफ० 11.19/63 कोआर्ड.—इस मंत्रालय की अधिस्चना संख्या एफ० 11.19/63 कोआर्ड दिनांक 15.4.1963, जो राज्यों में सहकारी प्रशासन को मजबूत बनाने के उपायों को सुझाने के लिए एक सीमांत गठित करने के बारे में थी, उसमें गई सीमांत के सदस्य श्री एम० एल० बतरा की पदसंज्ञा को "ग्रामीण ऋण अधिकारी, बैंक अफ इन्डिया" के बजाय "मुख्य अधिकारी, ग्रामीण ऋण अनुभाग, स्टेट बैंक अफ इन्डिया" पढ़ा जाए।

रोमा मजुमदार, उप सचिव।

शानिज्य तथा उद्योग मंत्रालय

अधिस्चना

नई दिल्ली, 9 मई, 1963

सं० 18(2) प्रोड०/59.—राष्ट्रीय उत्पादकता परिषद्, जो कि संस्था रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) के अधिन एक संस्था के रूप में रजिस्ट्रीकृत की गई है, के नियमों के नियम 3 के अधिन जो शक्तियां सरकार में निहित हैं, उनकी सामर्थ्य से और इस मंत्रालय की अधिस्चना सं० 18(2) प्रोड०/59, तारीख 5 मई, 1962 में रूपभेद करते हुये भारत सरकार उक्त नियम के खण्ड (ख) के अधिन एतद्वारा 1 फरवरी, 1963 में श्री ए० बी० वेंकटेश्वरन, संयुक्त सचिव के स्थान पर जिन्होंने उस तारीख से त्यागपत्र दे दिया है, वित्त मंत्रालय के संयुक्त सचिव श्री ए० जमान को परिषद् में उसका प्रतिनिधि नाम निर्देशित करती है।

एन० चिदम्बरम, उप सचिव।

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 6th May 1963

No. F.25(20)-NS/63.—In pursuance of paragraph 4 of the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. F.4(1)-W&M/60, dated the 1st March, 1960, as subsequently amended, it is hereby notified for general information that the following Series of the Five Year Interest Free Prize Bonds, 1965, will be included in the twelfth quarterly draw for prizes to be held on the 1st June, 1963.

(a) Bonds of Rs. 100/- de- Series A, B, C, D, E, F, G, nomination. H, J, K, L, M, N, O, R, S, T, U, V, and W.

(b) Bonds of Rs. 5/- denominated Series AA, AB, AC, AD, AE, AF, AG, AH, AJ, AK, AL, AM, AN, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ & BA.

SHIV NAUBH SINGH, Jr. Secy.

MINISTRY OF EDUCATION

New Delhi, the 9th May 1963

No. F.1-20/62-SW.3.—The Government of India hereby notify the following modifications in the Ministry of Education notification No. F.1-20/62-SW.3, dated the 7th February 1963.

- (1) In paragraph 2 of the said notification entry No. 11 should be read as "Smt. Shilu Ao (Nagaland)" instead of "Smt. Libu Ao (Nagaland)."
- (2) The existing paragraphs 3 and 4 of the above notification should be renumbered as paragraph 4 and 5 respectively and the following should be inserted as paragraph 3:—

"3. The term of office of the Chairman of the Central Social Welfare Board will continue to be governed by the Ministry of Education O. M. No. F.1-44/62-SW-3, dated the 12th September, 1962."

NAUHRIA RAM, Dy. Educational Adviser.

शिक्षा मंत्रालय

अधिस्चना

नई दिल्ली, 9 मई, 1963

संख्या एफ० 1.20/62-एस० डब्ल्यू० 3.—भारत सरकार, शिक्षा मंत्रालय की 7 फरवरी, 1963 की अधिस्चना सं० एफ० 1.20/62-एस० डब्ल्यू० 3 में निम्नांकित संशोधन करती है।

(1) उपर्युक्त अधिस्चना के पैरा 2 की मद संख्या 11 में "श्रीमती लिबू आओ (नागालैंड)" के स्थान पर "श्रीमती शिल् आओ (नागालैंड)" पढ़ा जाना चाहिए।

(2) उपर्युक्त अधिस्चना के पैरा 3 और 4 का क्रमांक क्रमशः 4 और 5 कर दिया जाए और निम्नांकित को पैरा 3 के रूप में लिख दिया जाए:—

"3. केंद्रीय शिक्षा सलाहकार मण्डल के अध्यक्ष का कार्यकाल शिक्षा मंत्रालय के 12 सितम्बर, 1962 के कार्यालय ज्ञापन सं० एफ० 1.44/62-एस० डब्ल्यू० 3 के अन्तर्गत निहित नियमानुसार ही रहेगा।"

नौहरिया राम, उप शिक्षा सलाहकार।

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 7th May 1963

No. 13/10/63-E.Pty.—In exercise of the powers conferred by sub-rule (1) of rule 133-U of the Defence of India Rules 1962, the Central Government is pleased to authorise the person specified in Column 4 of the Schedule hereto annexed to carry on the trade or business of the firm specified in Column 2 thereof subject to such directions as may be issued from time to time by a Controller, Deputy Controller or Inspector of Enemy Firms appointed under the said Rules.

SCHEDULE

Sr. No.	Name of Firm	Address	Person authorised
1	2	3	4
1.	Messrs. A. Kong Tannery	47, South Tangra Road, Calcutta-46.	Mrs. Liu Lai Yun Hsiang.

C. S. RAMACHANDRAN, Jr. Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 7th May 1963

No. 12/1/63-VM.I.—The administrative control of the following Vijnan Mandira has been transferred from the Government of India to the State Governments/Union Administrations noted against each with effect from the 1st April, 1963:—

Serial No.	Vijnan Mandir	State Government/ Union Administration
1	Amadalavalasa, Distt. Srikakulam	Andhra Pradesh.
2	Kapileswarapuram, Distt. East Godavari	Do.
3	Vicarabad, Distt. Hyderabad	Do.
4	Kodur, Distt. Cuddapah	Do.
5	Dimoria, Distt. Kamrup	Assam.
6	Hailakandi, Distt. Cachar	Do.
7	Haveli-Kharagpur, Distt. Monghyr	Bihar.
8	Ormanjhi, Distt. Ranchi	Do.
9	Vaishali, Distt. Muzaffarpur	Do.
10	Pusa, Distt. Darbhanga	Do.
11	Shapur, Distt. Junagadh	Gujarat.
12	Valod, Distt. Surat	Do.
13	Ranbirsinghpura, Distt. Jammu	Jammu & Kashmir.
14	Chengannur, Distt. Alleppey	Kerala.
15	Ramavarnapuram Pudur, Distt. Palghat	Do.
16	Tirur, Distt. Kozhikode	Kerala.
17	Ariyagoundampatti, Distt. Salem	Madras.
18	Shriramakrishna Mission Vidyalaya (Coimbatore).	Do.
19	S.V. Nagram, Distt. North Arcot	Do.
20	T. Kallupatti, Distt. Madurai.	Do.
21	Korukathi, Distt. Thanjavour	Do.
22	Valavanur, Distt. South Arcot	Do.
23	Amaravati, Distt. Amaravati	Maharashtra.
24	Davarayasamudram Distt., Kolar	Mysore.
25	Mayasandra, Distt. Tumkur	Do.
26	Moodbidri, Distt. South Kanara	Do.
27	Konanur, Distt., Hassan	Do.
28	Shiralkoppa, Distt. Shimoga	Do.
29	Angul, Distt. Dhenkanal	Orissa.
30	Bhadrak, Distt. Balasore	Do.
31	Hinjilicut, Distt. Ganjam	Do.
32	Nilokheri, Distt. Karnal	Punjab.
33	Dabok, Distt. Udaipur	Rajasthan.
34	Pisangan, Distt. Ajmer	Do.
35	Sardarshahr, Distt. Churu	Do.
36	Sumerpur, Distt. Pali	Do.
37	Masauli, Distt. Barabanki	Uttar Pradesh.
38	Bachhrawan, Distt. Rae Bareilly	Do.
39	Ratsand, Distt. Ballia	Do.
40	Pitaura, Distt. Farukhabad	Do.
41	Barsul, Distt. Burdwan	West Bengal.
42	Ergoda, Distt. Midnapore	Do.
43	Haroa, Distt. 24-Parganas	Do.
44	Itachuna, Distt. Hooghly	Do.
45	Jhilimilli, Distt. Bankura	Do.
46	Najafgarh (Delhi)	Delhi.
47	Sundernagar, Distt. Mandi	Himachal Pradesh.

S. K. SANYAL, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 9th May, 1963

No. 17/5/61/LRIV.—The following decision of the Industrial Tribunal, Delhi, in respect of matters referred to it under section 36A of the Industrial Disputes Act, 1947 (11 of 1947) by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 2021, dated the 22nd June, 1962, seeking interpretation of certain provisions of the Award of the National Industrial Tribunal, Bombay is hereby published for general information.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL

DELHI.

PRESENT:

Shri Anand Narain Kaul,

Central Govt. Industrial Tribunal, Delhi.

8th April, 1963.

REFERENCE I.D. No. 165 of 1962.

BETWEEN

The management of certain Cantonment Boards,

AND

Their workmen.

Sarvashri H. S. Sethi & N. S. Rangaswamy—for the management.

Shri J. D. Bakshi—for the workmen.

DECISION.

An industrial dispute between certain Cantonment Boards and their workmen was referred for adjudication to the National Industrial Tribunal at Bombay and its award (to be referred to hereinafter as the award) was published in the Gazette of India Extraordinary Part II Section 3(ii) dated the 4th March, 1960, under S.O. 578 of the same date. Difficulties having arisen, in the opinion of the Central Government, as to the interpretation of the said award on the question specified in the Schedule annexed to the present reference, the aforesaid Government, in exercise of the powers conferred by Section 36A of the Industrial Disputes Act, 1947, has by S.O. 2021 dated the 22nd June, 1962 referred the said question for decision to this Tribunal. The question as specified in the Schedule is as follows:—

"Whether the teaching staff, Doctors and Engineers (above the Overseer's grade), who were already in receipt of pay and allowances as applicable to the corresponding categories of employees of similar status serving under the Governments of the States in which the Cantonments are situated at the time of enforcement of the afore-mentioned award, are entitled to receive one increment, which has been awarded by the National Industrial Tribunal, Bombay, to such of those employees whose scales have not been upgraded upon implementation of the award of the said Tribunal but not so as to exceed the maximum of the scale."

2. In response to the notices issued to the parties, Shri J. D. Bakshi, General Secretary, All India Cantonment Board Employees' Federation, Ambala Cantonment filed a written statement on behalf of the workmen concerned (to be referred to hereinafter as the Second Party). A written statement in reply has been filed jointly by Shri N. S. Rangaswamy and Shri H. S. Sethi, Cantonment Executive Officer respectively of Ambala and Meerut, representing 58 Cantonment Boards (to be referred to hereinafter as the First Party). A replication or rejoinder was also filed on behalf of the Second Party by Shri J. D. Bakshi, with reference to the reply statement of the First Party.

3. Before dealing with the main issue it is necessary to dispose of a preliminary objection to the validity of the present reference, raised on behalf of the first party by Shri N. S. Rangaswamy, at the time of arguments. The objection is with reference to Para. 35 of the award, under which retrospective effect to its operation in respect of wages was given from 1st April, 1959. It was contended that, under the second proviso to sub-section (3) of Section 19 of the Industrial Disputes Act, the maximum period, for which the operation of an award could even be extended by the appropriate Government, is only 3 years from the date on which it came into operation. According to Mr. Rangaswamy the 3 years period from the date of becoming into operation of the award had already elapsed on 31st March, 1962, with the result that the award ceased to be operative on that date. In the circumstances, it is his contention that the present reference made on the 22nd June, 1962 by the Central Government for interpretation of the award is *ultra vires* of its powers, having

been made after the award itself had ceased to be operative. The preliminary objection was not taken in the written statement of the first party and it was raised verbally for the first time during arguments. In these circumstances this tribunal was not bound to allow the preliminary objection to be raised at the stage at which it was done. But still I would like to dispose of it on the merits. The contention has no force. Sub-section (3) of Section 19 does not really lay down that the maximum period of operation of an award shall be only one year nor does the second proviso mean that the total period of operation of an award cannot exceed 3 years even where the Government extends the period from time to time under the proviso. The material provision is contained in sub-section (6) of Section 19 which lays down that "notwithstanding the expiry of the period of operation under sub-section (3) the award shall continue to be binding on the parties until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award." Since no such notice of termination appears to have been given by any of the parties to the other party, the award continues to be binding on both parties. Moreover, the interpretation of the award, by this Tribunal which is sought under the present reference, can only be applicable in so far as it affects the implementation of the award during its period of operation, even assuming that the period of its operation had already expired on the date of reference. The preliminary objection is, therefore, rejected and I have no hesitation in holding that the reference is valid.

4. I shall now proceed to deal with the merits of the issue referred to me. The National tribunal having awarded scales for each Cantonment as set out in the 58 annexures of the award has laid down certain conditions to which the scales are to be subject. At page 11 of the printed award, the following direction is accordingly recorded at the top:—

"The wages given hereinafter to the 58 Cantonments shall be subject to the following conditions." Then follows an observation that "for the purposes of fixing pay-scales employees of Cantonment Boards, with the exception of teaching and technical staff, have been divided into categories, and a single scale of pay has been given to each category in all Cantonments falling within a State....".

It is obvious from this observation that the teaching and technical staff of Cantonment Boards have been excluded from the pay-scales fixed for different categories in the Cantonments and are not covered by the 58 annexures. At the bottom of page 12 of the printed award, there is, however, the following direction relating to the staff so excluded:—

"As to the teaching staff, Doctors and Engineers (above the Overseer's grade), they will be entitled to pay and allowances at the same rates as are applicable from time to time to the corresponding categories of employees of similar status serving under the Government of the State in which the Cantonment is situated, provided that they hold the requisite qualifications laid down by the State Government....".

From the above paragraph it will be seen that the teaching and technical staff although excluded from the pay-scales prescribed in the 58 annexures of the award have been treated as at par with the corresponding categories of employees of similar status serving under the Government of the State in which the Cantonment in question is situated; and any revision or alteration in the pay and allowances of such categories of employees made by the State Government from time to time, will be automatically applicable to the corresponding staff of the Cantonment. At page 13 of the printed award, in the fourth paragraph from the top there is, however, the following further direction which is the bone of contention between the parties and which has led to the present reference:—

"Those employees whose scales have not been upgraded shall receive one increment upon implementation of this award, but not so as to exceed the maximum of the scale." This is followed by another pertinent direction, namely that "all increments hereafter shall fall due on 1st April of each year."

5. The case of the second party is that since the pay-scales of Teachers, Doctors and Engineers have not been upgraded, they are covered by the above quoted direction of the tribunal, relating to the grant of one increment, upon implementation of the award. The Cantonment Boards, however, have not allowed such increments and their case as explained in the written statement submitted on their behalf is essentially to the effect that the reference to scales in the disputed paragraph 4 at page 13 of the printed award is only to those given in the 58 annexures and since the categories of Teachers, Doctors and Engineers (above the Overseer's grade) are not included in any of the 58 annexures, they are not entitled to any increment under the aforesaid direction of the tribunal. There is the further contention that the acceptance of the

interpretation sought to be given by the second party would create "an ugly disparity between State Government employees and Cantonment Board employees of comparable status inasmuch as the State Government teacher etc. will be less paid to the extent of one increment". According to the first party such an interpretation of the direction will further create disparities between Cantonment Board employees who were already receiving State Government rates of wages and Cantonment Board employees who got these rates only on the publication of the award. It has also been pointed out by the first party that certain State Governments (particularly in the Southern Command) had, before the publication of the award, revised the pay-scales of State Government teachers whilst other State Governments of the same Command have revised the pay-scales of teachers subsequent to the award and that the teachers employed by Cantonment Boards before the publication of the award were being granted the same rates of pay as admissible to State Government teachers of corresponding status from time to time. It is argued that the giving of an additional increment to the former, as claimed would create disparity and labour unrest as the latter category will remain at a comparative disadvantage. There is the further argument that the award never contemplated that the employees, now under reference, should be allowed the benefits arising both from the award as claimed now and those which accrue to them from time to time on account of linking of their pay with the State Government rates. According to the first party, the question of upgradation or otherwise of the wages of teachers etc. does not arise at all since these categories were left untouched by the awarded scales. After pointing out that the Supreme Court has laid down the law, under the Industrial Disputes Act, 1947 that where the dispute referred is about the wage scales, the Tribunal can either grant the wage scale demanded in part or in whole or refuse the demand altogether, it is argued that the Tribunal is not justified in giving *ad hoc* increases by way of additional increments.

6. Drawing attention to the state of things prevailing before the making of the award, the first party has referred to the following observation in para. 14 of the award:—

"The present practice of basing the pay scales of Cantonment Board employees on the pay scales of employees of comparable categories in adjacent municipalities is open to criticism. The dearness allowance which is paid is the dearness allowance given by the State Government; but in some cases where the State Government has allowed to municipalities a lesser dearness allowance the adjoining Cantonment has been paying such lower rate; it is however the total emoluments that count, by which I mean the basic wage plus dearness allowance, and a wage must be judged on that basis. Where the adjoining municipality is a prosperous unit, and the Cantonment is a small unit, it is not always that the same scales as those prevalent in the municipality are applied. And the municipalities themselves being under the control of the State Governments have to follow the pattern set by the State; and all these factors taken together have resulted in a disparity in the emoluments of municipal employees not only from State to State but also within a State. Such disparities when transmitted to Cantonments pick up further disparities on the way, and are apt to create discontent; thus there is the claim of Cantonment employees all over India for a more stable and more certain method of fixation of their wages."

7. There is also a mention of Issue No. (3) of the reference which is as follows:—

"Whether the pay scales given by the Central Government to its employees should be made applicable to the workmen of the Cantonment Boards. If not, whether the pay scales of the workmen of the Cantonment Boards should be revised and refixed according to the pay scales applicable to the workmen of the adjoining municipalities?"

On this issue, the award of the Tribunal as contained in para. 18 is as follows:—

"What I propose to do is to give scales for each cantonment, which should be less than the Central Government scales; the present scales will have to be revised and refixed taking into account the duties and responsibilities of the post in the Cantonment, and bearing in mind the pay scales applicable to comparable workmen of adjoining municipalities; and taking also into account all other relevant facts and circumstances bearing on the subject. I am accordingly awarding scales for each cantonment in the 58 annexures of this award. The dearness allowance to be given to a Cantonment employee shall be the dearness allowance given by the State (in which the cantonment is located) to the State employees. Considering that the dearness allowance varies from State to State, the effect of this award will be to give to the Cantonment employees a reasonable wage in the context of their surroundings."

8. I am not impressed by any of the arguments of the first party in support of its plea that the teaching and technical staff of the Cantonment Boards are not entitled to the benefit of the special increment which is directed to be given in para. 4 at page 13 of the printed award. In my view it would be unreasonable to hold that the reference to the scales in the disputed paragraph is only to those given in the 58 Annexures. It is hardly correct to say, as contended by the first party, that the teaching and technical staff have been left untouched by the award or by the awarded scales. The only distinction between the excepted categories and the other categories of Cantonment Board employees under the award is that, while in the case of the latter specific scales have been provided for, in the case of the former there is the general direction that they will be entitled to pay and allowances at the same rates as are applicable from time to time to the corresponding categories of employees of similar status serving under the Government of the State, in which the Cantonment is situated. In fact, as a result of the award, there will conceivably be three classes of cases under the categories coming within the exception namely, (i) those that were already drawing pay and allowances at par with corresponding categories of State employees, (ii) those that were drawing pay and allowances at rates lower than those of the corresponding categories of employees in the State, and (iii) those that were already drawing higher emoluments than the corresponding categories of State employees.

9. In so far as Class (iii) is concerned, it may be, that there are hardly any such cases, but, if there are any they are not relevant to the present discussion. As for Class (ii) i.e. those whose pay scales and allowances on the date of the award were lower than those of corresponding categories of employees of similar status under the Government of the State in which the Cantonment is situated, there certainly has been an upgradation of scales as a result of the award, since from a lower scale they have been brought at par with the corresponding State scales of similar categories. A test of the correctness or otherwise of the first party's stand in the present reference is the way in which the award has been made applicable to this class of employees. A very relevant provision of the award for the purposes of the present reference is what is contained in para. 20 of the award, which runs as follows:—

"Any employee in receipt of wages in excess of the scales now prescribed will have the option of continuing in his present scale provided he elects to do so within six weeks of the publication of this award, and the Cantonment Executive Officer shall inform all the employees of the factum of such publication. No one shall receive less than his present emoluments as a result of this award. An employee whose scale has been up-graded shall be fixed in the new scales according to his present pay and if that falls within two stages he shall be fixed in the next stage of the new scale, and shall be given one increment in the scale for every five years of service in his grade with a maximum of three increments and with the minimum of one increment but not so as to exceed the maximum of the scale."

This paragraph contains a formula of fixation of employees in the new scales granted by the award. It will be seen that under this formula an employee, whose scale has been up-graded under the award, has to be fixed in the new scales according to his present pay and, if that falls within two stages, he has to be fixed in the next stage of the new scale and to be given one increment in the scale for every five years of service in his grade with a maximum of three increments and with a minimum of one increment, but not so as to exceed the maximum of the scale. Quite consistently with this formula the award provides, for those whose scales have not been upgraded, only the benefit of one special increment, as directed in the disputed paragraph at page 13. This direction is in fact only an extension of that formula. Now in the case of the aforesaid Class (ii) of the excepted employees, i.e. the teaching and technical staff, in view of the virtual up-grading of their scales, as already pointed out, it will be quite fair to apply the fixation formula as quoted above, and it was conceded during arguments by Shri Ranga Swami that this has actually been done by the Cantonment authorities because the equalisation with the State scales has led to an up-gradation. That being the actual position in respect of one class of the excepted employees and the benefit of the fixation formula having been already allowed to that particular class, it would be obviously inconsistent not to allow to the remaining Class (i), namely the class of employees whose pay and allowances were already at par, before the award, with the pay and allowances of corresponding categories of employees of similar status serving under the State Government, the benefit of the direction in the disputed para. 4 at page 13 of the printed award, that is to say, the benefit of one special increment upon implementation of the award. When this inconsistency in the stand of the first party with respect to these two classes was pointed out Shri Rangaswami observed that it was a mistake to allow the benefit of the fixation formula to those employees of the teaching and technical staff whose scales were lower than the corresponding

State scales and whose scales have now been equalised, under the award, to the State scales. That, to say the least, is a strange argument. If the grant of a special increment to the employees of the teaching and technical staff, whose pay and allowances were already at par before the award with the corresponding categories of employees under the State Government, will create a disparity between the former and the latter categories and consequent discontent amongst the latter, then the application of the fixation formula already made by the Cantonment authorities to employees of those categories who, before the award, were drawing lower pay and allowances and have now been equalised with the corresponding State categories, must already have caused similar disparity. In fact the question whether the grant of one special increment according to the disputed paragraph of the award, to the employees on whose behalf the present reference has been made, will create disparity between one set of employees and another set, does not seem to be a material consideration for me. What is material is what the meaning of the disputed provision of the award is. That meaning has to be determined by reading the award as a whole and applying the common sense rule of construction. In connection with the interpretation of the award Shri Ranga Swami has drawn my attention to the principles laid down in a decision of the Madras High Court in Tiruchi-Srirangam Transport Co., Private Ltd. Vs. Labour Court, Madurai and another (A.I.R. 1961 Madras 307). In that case the Court was dealing with the rule of construction of statutes in connection with the interpretation of Section 33C(2) of the Industrial Disputes Act and has laid down four principles to be observed for the sure and true interpretation of all statutes in general. But a judgment of a Court or an award of a Tribunal is not a statute and the principles of interpretation of a statute will hardly be applicable to the interpretation of an award.

10. Then there is the argument that, in the adjudication of a dispute regarding wage scales, a tribunal can either grant the wage scales demanded in part or in whole or refuse the demand altogether, but would not be justified in granting an *ad hoc* increase. The argument is based on a decision of the Hon'ble Supreme Court in Airlines Hotel (Private) Ltd. Bombay Vs. Its workmen (AIR 1962 S.C. 676). In that case the demand was for fixation of wage scales for different categories of workmen and it was the dispute arising out of this demand that was referred to the tribunal. Instead of fixing wage scales however, the tribunal directed increases to be made in the wages of different categories of workmen on an *ad hoc* basis, i.e. one increment from January, 1959, another from January 1, 1960 and the third from January 1, 1961. This was done without giving a definite finding as to the financial position of the employing concern. It was in this context and, in view of the inconsistent reasoning adopted by the tribunal in granting an *ad hoc* increase in wages for a limited period, that the Hon'ble Supreme Court was pleased to observe that where the dispute referred relates to the grant of wage scale, it should either be granted in part or in whole or be refused altogether, but an *ad hoc* increase in the manner that had been given by the tribunal could not be justified. In the present case however the position is entirely different. The learned Tribunal has granted wage scales in most of the cases, after a full consideration of all relevant factors and has directed the grant of a single increment, upon implementation of the award, only in the case of those employees whose scales have not been upgraded. This is not, therefore, a case of an *ad hoc* increase. In any case, even assuming, that the Tribunal had in effect granted an *ad hoc* increase in an erroneous manner, I can only try to gauge the intention of the learned Tribunal in giving the direction in the disputed portion of the award and am not entitled to go into the question, whether the direction was erroneous or otherwise.

11. There is also a fallacy in the argument that the award could not have contemplated that the employees now under reference should be allowed the benefits arising both from the award, as claimed now, and those which accrued to them from time to time on account of the linking of their pay with the State Government rates. The benefit, arising from the linking of the pay and allowances of the employees under reference with the rates of pay and allowances of corresponding categories under the State Government, is really not separable from the benefit arising from the disputed provisions of the award, for the linking of their scales with the State Government rates can only be effected under the general conditions or under the formula of fixation laid down by the award. It is well known that, where an award fixes, for the employees concerned, revised scales of pay providing higher emoluments than those already drawn, there is also usually a formula provided for the fixation of employees in the new scales. In the case however of those employees whose scales remain practically stationary following an award, there is bound to be a certain amount of discontent because comparatively speaking they derive no benefit from the award whatever may be the reasons which may have led to the non-revision of their scales. In such cases the grant of a special increment, as has been done in the present award, would be treated as a step towards the removal of disparity and discontent rather than a step tending to create a disparity.

12. For the foregoing reasons my answer to the question posed in the reference is in the affirmative, that is to say, the teaching staff, Doctors and Engineers (above the Overseer's grade), who were already in receipt of pay and allowances as applicable to the corresponding categories of employees of similar status, serving under the Governments of the States in which the Cantonments are situated, at the time of enforcement of the award, are entitled to receive one increment, as awarded by the National Tribunal upon implementation of the award of the Tribunal to such of those employees whose scales have not been upgraded; but not so as to exceed the maximum of the scale. I decide accordingly.

(Thirteen pages).

The 8th April, 1963.

Sd/- ANAND NARAIN KAUL,
Central Govt. Industrial Tribunal, Delhi.

B. R. SETH, Dy. Secy.

RESOLUTIONS

New Delhi, the 3rd May, 1963.

No. WB-2(1)/62(1).—In pursuance of the recommendation contained in para 25 of Chapter XXVII of the Second Five Year Plan, and in para 20 of Chapter XV in the Third Five Year Plan, the Government of India have decided to set up a Wage Board for the Iron Ore Mining Industry.

2. The composition of the Board will be as follows:—

Chairman

Shri L. P. Dave.

Independent Members

1. Shri M. L. Bakliwal, M.P.
2. Dr. R. M. Honavar.

Members Representing Employers

1. Shri Suku Sen.
2. Shri S. G. A. Naidu.

Members Representing Workers

1. Shri M. John.
2. Shri B. Patra.

3. The following will be the terms of reference of the Wage Board:—

- (a) To determine the categories of employees (manual, clerical, supervisory, etc.) who should be brought within the scope of the proposed wage fixation.
- (b) To work out a wage structure based on the principles of fair wages as set forth in the report of the Committee on Fair Wages.

Explanation.—In evolving a wage structure, the Board should, in addition to the considerations relating to fair wages, also take into account:—

- (i) the special features of the iron ore mining industry;
- (ii) the needs of the industry in a developing economy;
- (iii) the requirements of social justice;
- (iv) the impact of the wage structure so evolved, on the cost of production of industries consuming iron ore;
- (v) the need for adjusting wage differentials in such a manner as to provide incentives to workmen for advancing their skill;
- (vi) the desirability of extending the system of payment by results.

Explanation.—In applying the system of payment by results, the Board shall keep in view the need for fixing a minimum (fall back) wage and also to safeguard against over work and undue speed.

- (c) To consider the demands for the introduction of a gratuity scheme on an industry-wise basis.

4. The headquarters of the Wage Board will be located at Calcutta and all correspondence intended for the Board shall be addressed to the Chairman, Central Wage Board for the Iron Ore Mining Industry, 8, Madan Street, 4th floor, Calcutta-13.

No. WB-2(1)/62(2).—In pursuance of the recommendation contained in para 25 of Chapter XXVII of the Second Five Year Plan, and in para 20 of Chapter XV in the Third Five Year Plan, the Government of India have decided to set up a Wage Board for the Limestone and Dolomite Mining Industries.

2. The composition of the Board will be as follows:—

Chairman

Shri L. P. Dave.

Independent Members

1. Shri Dhananjoy Mohanty, M.P.
2. Dr. R. M. Honavar.

Members Representing Employers

1. Shri Suku Sen.
2. Shri K. L. Dua.

Members Representing Workers

1. Shri V. G. Gopal.
2. Shri K. B. Chougule.

3. The following will be the terms of reference of the Wage Board:—

- (a) To determine the categories of employees (manual, clerical, supervisory, etc.) who should be brought within the scope of the proposed wage fixation.

NOTE.—Workers employed in limestone mine/quarries, who have been covered by the recommendations made by the Central Wage Board for the Cement Industry, will be excluded from the purview of this Wage Board.

- (b) To work out a wage structure based on the principles of fair wages as set forth in the report of the Committee on Fair Wages.

Explanation.—In evolving a wage structure, the Board should, in addition to the considerations relating to fair wages, also take into account:—

- (i) the special features of the limestone and dolomite mining industries;
- (ii) the needs of these industries in a developing economy;
- (iii) the requirements of social justice;
- (iv) the impact of the wage structure so evolved, on the cost of production of industries consuming limestone and dolomite;
- (v) the need for adjusting wage differentials in such a manner as to provide incentives to workmen for advancing their skill;
- (vi) the desirability of extending the system of payment by results.

Explanation.—In applying the system of payment by results, the Board shall keep in view the need for fixing a minimum (fall back) wage and also to safeguard against over work and undue speed.

- (c) To consider the demands for the introduction of a gratuity scheme on an industry-wise basis.

4. The headquarters of the Wage Board will be located at Calcutta and all correspondence intended for the Board shall be addressed to the Chairman, Central Wage Board for Limestone and Dolomite Mining Industries, 8, Madan Street (4th Floor), Calcutta-13.

P. M. MENON, Secy.